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7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke  
11 Probation Against,

Case No. 800-2014-003532

12 **SAVITA P. SHERTUKDE, M.D.**  
13 **13501 Nantucket Place**  
**Bakersfield, CA 93314**  
14 **Physician's and Surgeon's Certificate No. A**  
**86017,**

**DEFAULT DECISION**  
**AND ORDER**

[Gov. Code, §11520]

15 Respondent.

16  
17 FINDINGS OF FACT

18 1. On or about May 2, 2014, Complainant Kimberly Kirchmeyer, in her official capacity  
19 as the Executive Director of the Medical Board of California, Department of Consumer Affairs,  
20 filed Petition to Revoke Probation No. 800-2014-003532 against Savita P. Shertukde, M.D.  
21 (Respondent) before the Medical Board of California.

22 2. On or about February 20, 2004, the Medical Board of California (Board) issued  
23 Physician's and Surgeon's Certificate No. A 86017 to Respondent. The Physician's and Surgeon's  
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on December 31, 2015, unless renewed. (See Exhibit A, Certification of Licensure,  
26 attached hereto and incorporated here by reference.)

27 3. On or about May 2, 2014, John Yelchak, an employee of the Complainant Agency,  
28 served by Certified Mail a copy of the Petition to Revoke Probation No. 800-2014-003532,

1 Statement to Respondent, Request for Discovery, Government Code sections 11507.5, 11507.6,  
2 11507.7 and 11455.10, Notice of Defense Forms (2 Copies), a Manual of Model Disciplinary  
3 Orders and Model Disciplinary Guidelines to Respondent's address of record with the Board,  
4 which was and is 13501 Nantucket Place, Bakersfield, CA 93314. A copy of the Petition to  
5 Revoke Probation, the related documents, and Declaration of Service are attached as exhibit B,  
6 and are incorporated herein by reference. On or about July 2, 2015, the Domestic Return Receipt  
7 for the aforementioned documents was returned by the U.S. Postal Service signed by Respondent.

8 4. Service of the Petition to Revoke Probation was effective as a matter of law under the  
9 provisions of Government Code section 11505, subdivision (c).

10 5. Government Code section 11506 states, in pertinent part:

11 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
12 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
13 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
14 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 Respondent failed to file a Notice of Defense within 15 days after service upon her of the  
16 Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of Petition  
17 to Revoke Probation No. 800-2014-003532. On or about August 8, 2014, Respondent was sent a  
18 Courtesy Notice of Default advising her that a default decision would be entered if she failed to  
19 file a notice of defense. On or about November 4, 2014, a second Courtesy Notice of Default was  
20 sent to Respondent. Respondent thereafter failed to file a notice of defense.

21 6. California Government Code section 11520 states, in pertinent part:

22 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
23 agency may take action based upon the respondent's express admissions or upon other evidence  
24 and affidavits may be used as evidence without any notice to respondent."

25 7. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on  
27 Respondent's express admissions by way of default and the evidence before it, contained in  
28 exhibits A, B and C, finds that the allegations in Petition to Revoke Probation No. 800-2014-

003532 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Savita P. Shertukde, M.D. has subjected her Physician's and Surgeon's Certificate No. A 86017 to discipline.

2. A copy of the Petition to Revoke Probation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke Probation:

a. Failure to comply with Condition 2, entitled "Clinical Training Program," by failing to successfully complete the clinical training program. (See Declaration, Exhibit C, attached.)

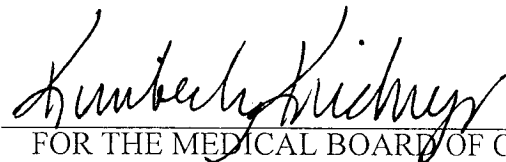
ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 86017, heretofore issued to Respondent SAVITA P. SHERTUKDE, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 21, 2015.

It is so ORDERED July 23, 2015



FOR THE MEDICAL BOARD OF CALIFORNIA

DEPARTMENT OF CONSUMER AFFAIRS  
KIMBERLY KIRCHMEYER  
EXECUTIVE DIRECTOR

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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO MAY 2, 2014  
BY: J. M. [Signature] ANALYST

7  
8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke  
13 Probation Against:

Case No. 800-2014-003532

14 SAVITA P. SHERTUKDE, M.D.  
15 13501 Nantucket Place  
16 Bakersfield, California 93314

PETITION TO REVOKE PROBATION

17 Physician's and Surgeon's Certificate No. A  
18 86017

19 Respondent.

20 Complainant alleges:

21 PARTIES

22 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely  
23 in her official capacity as the Executive Director of the Medical Board of California, Department  
24 of Consumer Affairs.

25 2. On February 20, 2004, the Medical Board of California issued Physician's and  
26 Surgeon's Certificate Number A 86017 to Savita P. Shertukde (Respondent). The Physician's and  
27 Surgeon's Certificate was in effect at all times relevant to the charges brought herein and will  
28 expire on December 31, 2015, unless renewed.

3. In a disciplinary action entitled "In the Matter of Accusation Against Savita P. Shertukde, M.D.," Case No. 12-2008-194943, the Medical Board of California, issued a decision, effective August 30, 2013, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

## JURISDICTION

4. This Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2228 of the Code states:

“The authority of the board or a division of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

“(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or division or the administrative law judge.

“(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the division. If an examination is ordered, the board or division shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.

1 “(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including  
2 requiring notice to applicable patients that the licensee is unable to perform the indicated  
3 treatment, where appropriate.

4 “(d) Providing the option of alternative community service in cases other than violations  
5 relating to quality of care, as defined by the Division of Medical Quality.”

6 CAUSE TO REVOKE PROBATION

7 (Failure to Pass Clinical Training Program)

8 7. Pursuant to Condition 2 of his Disciplinary Order, within sixty days of the effective  
9 date of the Decision, Respondent was required to enroll in and successfully complete a clinical  
10 training or education program equivalent to the Physician Assessment and Clinical Education  
11 ("PACE") Program at the University of California, San Diego School of Medicine. This  
12 condition further states that PACE Program's determination of whether Respondent successfully  
13 passed or completed PACE is binding and that failure to successfully complete PACE is a  
14 violation of probation. This condition also provides that if Respondent does not successfully  
15 complete the PACE Program, then Respondent shall receive a notification from the Board or its  
16 designee to cease the practice of medicine within three calendar days after so being notified and  
17 shall not resume the practice of medicine until successful completion or until a final decision has  
18 been rendered on the accusation and/or petition to revoke probation.

19 8. Respondent's probation is subject to revocation because she failed to comply with  
20 Probation Condition 2, referenced above. The facts and circumstances regarding this violation  
21 are as follows:

22 A. On June 17-18, 2013, Respondent completed Phase I of the PACE Program wherein  
23 PACE recommended Respondent undergo a neuropsychological evaluation.

24 B. On or about March 3, 2014, PACE provided its assessment of Respondent's  
25 performance and determined she failed to successfully pass the PACE Assessment, stating "we  
26 have concerns about Dr. Shertukde's ability to practice medicine safely." PACE rated  
27 Respondent's overall performance as consistent with a "Fail, Category 4", meaning Respondent's  
28 performance was poor and not compatible with overall physician competency and safe practice.

1 C. On March 7, 2014, the Board issued a Cease Practice Order to Respondent for her  
2 failure to successfully complete the PACE Program. Respondent was ordered to cease practice  
3 within three calendar days from the date of the order, and not to resume the practice of medicine  
4 until a final decision has been rendered on the accusation or petition to revoke probation.

5  
6 PRAYER

7 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged.  
8 and that following the hearing, the Medical Board of California issue a decision:

9 1. Revoking the probation that was granted by the Medical Board of California in Case  
10 No. 12-2008-194943 and imposing the disciplinary order that was stayed thereby revoking  
11 Physician's and Surgeon's Certificate No. A 86017 issued to Respondent;

12 2. Revoking or suspending Physician's and Surgeon's Certificate No. A 86017, issued to  
13 Respondent;

14 3. Revoking, suspending or denying approval of Respondent's authority to supervise  
15 physician assistants, pursuant to section 3527 of the Code;

16 4. If placed on probation, ordering Respondent to pay the costs of probation.

17 5. Taking such other and further action as deemed necessary and proper.

18  
19 May 2, 2014  
20 DATED: \_\_\_\_\_

  
21 KIMBERLY KIRCHMEYER  
22 Executive Director  
23 Medical Board of California  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

27 LA2014612168  
28 shertukde.docx

## **Exhibit A**

**Decision and Order**

**Medical Board of California Case No. 12-2008-194943**



BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: )

SAVITA P. SHERTUKDE, M.D. )

Case No. 12-2008-194943

Physician's & Surgeon's )  
Certificate No. A 86017 )

Respondent. )

**ORDER NUNC PRO TUNC CLARIFYING PREVIOUS**  
**ORDER ADOPTING DECISION**

It appearing that a clerical error having been made in the Medical Board of California's (Board) previous Order adopting a decision issued regarding Respondent Savita P. Shertukde, M.D., the Board now issues this clarifying order *nunc pro tunc*:

1. Physician's & Surgeon's Certificate Number portion of the Decision in the above-entitled matter issued license. All occurrences of "G 74108" are stricken and replaced with "A 86017"
2. Reginald Low, M.D., Chair Panel B shall be replaced with Dev Gnanadev, M.D.

The Stipulated Settlement and Disciplinary Order, as amended herein, remains in effect, and all the balance of the Order and Decision remain operative and unaffected.

**IT IS SO ORDERED** this 7<sup>th</sup> day of August, 2013.



Dev Gnanadev, Chair  
Panel B

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	
	)	
	)	
SAVITA P. SHERTUKDE, M.D.	)	Case No. 12-2008-194943
	)	
Physician's and Surgeon's	)	
Certificate No. G 74108	)	
	)	
Respondent.	)	
_____	)	

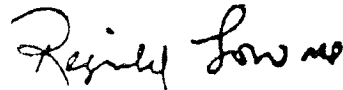
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on August 30, 2013.

IT IS SO ORDERED August 1, 2013.

MEDICAL BOARD OF CALIFORNIA



By: \_\_\_\_\_  
Reginald Low, M.D., Chair  
Panel B

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
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7

8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 12-2008-194943

11 SAVITA P. SHERTUKDE, M.D.  
12 13501 Nantucket Place  
Bakersfield, CA 93314  
13 Physician's and Surgeon's Certificate No. A  
86017

OAH No. 2011070015

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Respondent.  
15

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of  
21 California. She brought this action solely in her official capacity and is represented in this matter  
22 by Kamala D. Harris, Attorney General of the State of California, by Cindy M. Lopez, Deputy  
23 Attorney General.

24 2. Respondent SAVITA P. SHERTUKDE, M.D. (Respondent) is representing herself in  
25 this proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about February 20, 2004, the Medical Board of California issued Physician's  
27 and Surgeon's Certificate No. A 86017 to Respondent. The Certificate was in full force and effect  
28

1 at all times relevant to the charges brought in Accusation No. 12-2008-194943 and will expire on  
2 December 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 12-2008-194943 was filed before the Medical Board of California  
5 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The  
6 Accusation and all other statutorily required documents were properly served on Respondent on  
7 April 19, 2011. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 12-2008-194943 is attached as exhibit A and incorporated  
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in  
12 Accusation No. 12-2008-194943. Respondent has also carefully read, and understands the effects  
13 of this Stipulated Settlement and Disciplinary Order.

14 7. Respondent is fully aware of her legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
18 compel the attendance of witnesses and the production of documents; the right to reconsideration  
19 and court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 12-2008-194943.

26 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
27 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
28 Disciplinary Order below.

1 CONTINGENCY

2 11. This stipulation shall be subject to approval by the Medical Board of California.  
3 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
4 Board of California may communicate directly with the Board regarding this stipulation and  
5 settlement, without notice to or participation by Respondent. By signing the stipulation,  
6 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
7 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
8 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
9 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
10 between the parties, and the Board shall not be disqualified from further action by having  
11 considered this matter.

12 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
13 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
14 effect as the originals.

15 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
16 the Board may, without further notice or formal proceeding, issue and enter the following  
17 Disciplinary Order:

18 DISCIPLINARY ORDER

19 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 86017 issued  
20 to Respondent SAVITA P. SHERTUKDE, M.D. is revoked. However, the revocation is stayed  
21 and Respondent is placed on probation for five (5) years on the following terms and conditions.

22 1. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
23 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee  
24 for its prior approval educational program(s) or course(s) which shall not be less than 25 hours  
25 with a focus on pathology, per year, for each year of probation. The educational program(s) or  
26 course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be  
27 Category I certified. The educational program(s) or course(s) shall be at Respondent's expense  
28 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of

1 licensure. Following the completion of each course, the Board or its designee may administer an  
2 examination to test Respondent's knowledge of the course. Respondent shall provide proof of  
3 attendance for 45 hours of CME of which 25 hours were in satisfaction of this condition.

4 2. CLINICAL TRAINING PROGRAM. Within 60 calendar days of the effective date  
5 of this Decision, Respondent shall enroll in a clinical training or educational program equivalent  
6 to the Physician Assessment and Clinical Education Program (PACE) offered at the University of  
7 California - San Diego School of Medicine ("Program"). Respondent shall successfully complete  
8 the Program not later than six (6) months after Respondent's initial enrollment unless the Board  
9 or its designee agrees in writing to an extension of that time.

10 The Program shall consist of a Comprehensive Assessment program comprised of a two-  
11 day assessment of Respondent's physical and mental health; basic clinical and communication  
12 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to  
13 Respondent's area of practice in which Respondent was alleged to be deficient, and at minimum,  
14 a 40 hour program of clinical education in the area of practice in which Respondent was alleged  
15 to be deficient and which takes into account data obtained from the assessment, Decision(s),  
16 Accusation(s), and any other information that the Board or its designee deems relevant.  
17 Respondent shall pay all expenses associated with the clinical training program.

18 Based on Respondent's performance and test results in the assessment and clinical  
19 education, the Program will advise the Board or its designee of its recommendation(s) for the  
20 scope and length of any additional educational or clinical training, treatment for any medical  
21 condition, treatment for any psychological condition, or anything else affecting Respondent's  
22 practice of medicine. Respondent shall comply with Program recommendations.

23 At the completion of any additional educational or clinical training, Respondent shall  
24 submit to and pass an examination. Determination as to whether Respondent successfully  
25 completed the examination or successfully completed the program is solely within the program's  
26 jurisdiction.

27 If Respondent fails to enroll, participate in, or successfully complete the clinical training  
28 program within the designated time period, Respondent shall receive a notification from the

1 Board or its designee to cease the practice of medicine within three (3) calendar days after being  
2 so notified. The Respondent shall not resume the practice of medicine until enrollment or  
3 participation in the outstanding portions of the clinical training program have been completed. If  
4 the Respondent did not successfully complete the clinical training program, the Respondent shall  
5 not resume the practice of medicine until a final decision has been rendered on the accusation  
6 and/or a petition to revoke probation. The cessation of practice shall not apply to the reduction of  
7 the probationary time period.

8 3. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
9 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
10 Chief Executive Officer at every hospital where privileges or membership are extended to  
11 Respondent, at any other facility where Respondent engages in the practice of medicine,  
12 including all physician and locum tenens registries or other similar agencies, and to the Chief  
13 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
14 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
15 calendar days.

16 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

17 4. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is  
18 prohibited from supervising physician assistants.

19 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
20 governing the practice of medicine in California and remain in full compliance with any court  
21 ordered criminal probation, payments, and other orders.

22 6. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
23 under penalty of perjury on forms provided by the Board, stating whether there has been  
24 compliance with all the conditions of probation.

25 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
26 of the preceding quarter.

27 7. GENERAL PROBATION REQUIREMENTS.

28 Compliance with Probation Unit

1 Respondent shall comply with the Board's probation unit and all terms and conditions of  
2 this Decision.

3 Address Changes

4 Respondent shall, at all times, keep the Board informed of Respondent's business and  
5 residence addresses, email address (if available), and telephone number. Changes of such  
6 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
7 circumstances shall a post office box serve as an address of record, except as allowed by Business  
8 and Professions Code section 2021(b).

9 Place of Practice

10 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
11 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
12 facility.

13 License Renewal

14 Respondent shall maintain a current and renewed California physician's and surgeon's  
15 license.

16 Travel or Residence Outside California

17 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
18 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
19 (30) calendar days.

20 In the event Respondent should leave the State of California to reside or to practice  
21 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
22 departure and return.

23 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
24 available in person upon request for interviews either at Respondent's place of business or at the  
25 probation unit office, with or without prior notice throughout the term of probation.

26 9. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
27 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
28 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is



1 defined as any period of time Respondent is not practicing medicine in California as defined in  
2 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month  
3 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
4 time spent in an intensive training program which has been approved by the Board or its designee  
5 shall not be considered non-practice. Practicing medicine in another state of the United States or  
6 Federal jurisdiction while on probation with the medical licensing authority of that state or  
7 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
8 not be considered as a period of non-practice.

9 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
10 months, Respondent shall successfully complete a clinical training program that meets the criteria  
11 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
12 Disciplinary Guidelines" prior to resuming the practice of medicine.

13 Respondent's period of non-practice while on probation shall not exceed two (2) years.

14 Periods of non-practice will not apply to the reduction of the probationary term.

15 Periods of non-practice will relieve Respondent of the responsibility to comply with the  
16 probationary terms and conditions with the exception of this condition and the following terms  
17 and conditions of probation: Obey All Laws; and General Probation Requirements.

18 10. COMPLETION OF PROBATION. Respondent shall comply with all financial  
19 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
20 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
21 be fully restored.

22 11. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
23 of probation is a violation of probation. If Respondent violates probation in any respect, the  
24 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
25 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
26 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
27 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
28 the matter is final.

12. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

13. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

## ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

5/8/2013

~~SAVITA P. SHERTUKDE, M.D.~~  
Respondent

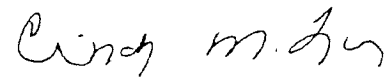
## ENDORSEMENT

1 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
2 submitted for consideration by the Medical Board of California of the Department of Consumer  
3 Affairs.

4 Dated: 7.26.13

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General



CINDY M. LOPEZ  
Deputy Attorney General  
*Attorneys for Complainant*

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14 Stipulation.rtf



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6 Facsimile: (213) 897-9395  
*Attorneys for Complainant*

7  
8 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 12-2008-194943

11 SAVITA P. SHERTUKDE, M.D.  
12 13501 Nantucket Place  
Bakersfield, CA 93314  
13 Physician's and Surgeon's Certificate No. A  
86017

ACCUSATION

14 Respondent.  
15

16  
17 Complainant alleges:  
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PARTIES

- 19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.  
21 2. On or about February 20, 2004, the Medical Board of California issued Physician's  
22 and Surgeon's Certificate Number A 86017 to Savita P. Shertukde, M.D. (Respondent). The  
23 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
24 charges brought herein and will expire on December 31, 2011, unless renewed.  
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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2234 of the Code states:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"(d) Incompetence.

"(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct which would have warranted the denial of a certificate."

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed

1 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
2 action taken in relation to discipline as the Division deems proper.

### 3 CAUSE FOR DISCIPLINE

#### 4 (Repeated Negligent Acts)

5 6. Respondent is subject to disciplinary action under section 2234, subdivision (c) in  
6 that she committed repeated acts of negligence by failing to properly read pathology slides. The  
7 circumstances are as follows:

8 7 Respondent was employed by the County of Kern and worked as an associate  
9 pathologist at Kern Medical Center ("KMC"). On October 1, 2008, she was placed on  
10 administrative leave and KMC suspended her staff privileges based on an internal review of 30  
11 cases which represented substandard microscopic examinations. On December 2, 2008, the  
12 Medical Executive Committee of KMC lifted the summary suspension, and respondent returned  
13 to work on December 22, 2008. However, on February 3, 2009, the Medical Staff voted to deny  
14 respondent's application for reappointment, a decision which was made final April 23, 2010.

15 8. When respondent reviewed the below mentioned slides, she was given pertinent  
16 information about each patient such as a clinical history, a pre-operative diagnosis, operative  
17 findings, and the specimen submitted. In a review of seven slides, respondent failed to properly  
18 read four of them, as follows:

19 a. Slide 8-13 was a specimen taken from a 49 year old male who had a history of  
20 AIDS. A surgeon performed a bronchoscopy on the patient. A chest xray showed that the patient  
21 had pneumonia. Respondent identified organisms on the slide as pneumocystis (organisms in the  
22 lung); this was incorrect; there were only red blood cells, histiocytes and debris on the slide. This  
23 misidentification could have resulted in the unnecessary treatment of Pneumocystis (a type of  
24 pneumonia).

25 b. Slide 09-37 was a specimen taken from a 54 year old male who had a resection  
26 of the large bowel from colon perforation. He had undergone a Hartmann's procedure which is  
27 done for patients who have diverticulitis. When a patient has small pouches in the lining of the  
28 colon or large intestine, that bulge outward through weak spots, each pouch is called a

diverticulum, and multiple pouches are called diverticula. Diverticulosis is merely the presence of a number of diverticula; there is no inflammation. However, Diverticulitis is inflammation of these small pouches and they can fill with stagnant fecal material. When respondent reviewed the slide she found no diverticulitis. Respondent did not recognize diverticulitis due to insufficient examination of the tissue and improper sectioning.

c. Slide 358 was a specimen from a male patient who had undergone an ulcer biopsy which showed gastritis (inflammation of the stomach). Respondent saw H. Pylori, but that was incorrect because there were none of those organisms on this slide. H. Pylori is an organism that inhabits the stomach, and it can cause gastritis and ultimately cancer. They are helix-shaped and can be confirmed with use of a special stain. The stain makes it easier to find as it highlights the organism. However, this special stain was not ordered by respondent.

d. Slide 359 is a specimen from a 49 year old female who had a gastric biopsy done. The clinical report showed that the patient was diagnosed with moderate gastritis and Dysphagia (difficulty with swallowing). Respondent reached the same incorrect conclusions as she did with slide 358, she saw H.Pylori, when in fact none of those organisms were on this slide. She could have used a special stain to highlight the organism but respondent did not order it.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 86017,  
issued to SAVITA P. SHERTUKDE, M.D..

2. Revoking, suspending or denying approval of Savita P. Shertukde, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

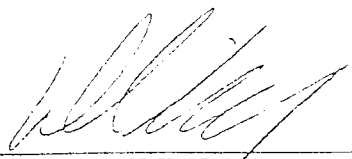
3. Ordering Savita P. Shertukde, M.D. to pay the Medical Board of California, if placed on probation, the costs of probation monitoring;

4 Taking such other and further action as deemed necessary and proper.



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DATED: April 19, 2011

  
LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2011500424